

Calendar No. 23

109TH CONGRESS
1ST SESSION

S. 254

[Report No. 109–12]

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2005

Mr. REID (for himself and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 23, 2005

Reported under authority of the order of the Senate of February 17, 2005,
by Mr. DOMENICI, without amendment

A BILL

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Central Nevada Rural
3 Cemeteries Act”.

4 **SEC. 2. CONVEYANCE TO LANDER COUNTY, NEVADA.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the historical use by settlers and travelers
7 since the late 1800’s of the cemetery known as
8 “Kingston Cemetery” in Kingston, Nevada, predates
9 incorporation of the land within the jurisdiction of
10 the Forest Service on which the cemetery is situated;

11 (2) it is appropriate that that use be continued
12 through local public ownership of the parcel rather
13 than through the permitting process of the Federal
14 agency;

15 (3) in accordance with Public Law 85–569
16 (commonly known as the “Townsite Act”) (16
17 U.S.C. 478a), the Forest Service has conveyed to
18 the Town of Kingston 1.25 acres of the land on
19 which historic gravesites have been identified; and

20 (4) to ensure that all areas that may have un-
21 marked gravesites are included, and to ensure the
22 availability of adequate gravesite space in future
23 years, an additional parcel consisting of approxi-
24 mately 8.75 acres should be conveyed to the county
25 so as to include the total amount of the acreage in-

1 cluded in the original permit issued by the Forest
2 Service for the cemetery.

3 (b) CONVEYANCE ON CONDITION SUBSEQUENT.—
4 Subject to valid existing rights and the condition stated
5 in subsection (e), the Secretary of Agriculture, acting
6 through the Chief of the Forest Service (referred to in
7 this section as the “Secretary”), not later than 90 days
8 after the date of enactment of this Act, shall convey to
9 Lander County, Nevada (referred to in this section as the
10 “county”), for no consideration, all right, title, and inter-
11 est of the United States in and to the parcel of land de-
12 scribed in subsection (c).

13 (c) DESCRIPTION OF LAND.—The parcel of land re-
14 ferred to in subsection (b) is the parcel of National Forest
15 System land (including any improvements on the land)
16 known as “Kingston Cemetery”, consisting of approxi-
17 mately 10 acres and more particularly described as
18 SW¹/₄SE¹/₄SE¹/₄ of section 36, T. 16N., R. 43E., Mount
19 Diablo Meridian.

20 (d) EASEMENT.—At the time of the conveyance
21 under subsection (b), subject to subsection (e)(2), the Sec-
22 retary shall grant the county an easement allowing access
23 for persons desiring to visit the cemetery and other ceme-
24 tery purposes over Forest Development Road #20307B,

1 notwithstanding any future closing of the road for other
2 use.

3 (e) CONDITION ON USE OF LAND.—

4 (1) IN GENERAL.—The county (including its
5 successors) shall continue the use of the parcel con-
6 veyed under subsection (b) as a cemetery.

7 (2) REVERSION.—If the Secretary, after notice
8 to the county and an opportunity for a hearing,
9 makes a finding that the county has used or per-
10 mitted the use of the parcel for any purpose other
11 than the purpose specified in paragraph (1), and the
12 county fails to discontinue that use—

13 (A) title to the parcel shall revert to the
14 Secretary, to be administered by the Secretary;
15 and

16 (B) the easement granted to the county
17 under subsection (d) shall be revoked.

18 (3) WAIVER.—The Secretary may waive the ap-
19 plication of subparagraph (A) or (B) of paragraph
20 (2) if the Secretary determines that a waiver would
21 be in the best interests of the United States.

22 **SEC. 3. CONVEYANCE TO EUREKA COUNTY, NEVADA.**

23 (a) FINDINGS.—Congress finds that—

24 (1) the historical use by settlers and travelers
25 since the late 1800's of the cemetery known as

1 “Maiden’s Grave Cemetery” in Beowawe, Nevada,
 2 predates incorporation of the land within the juris-
 3 diction of the Bureau of Land Management on
 4 which the cemetery is situated; and

5 (2) it is appropriate that that use be continued
 6 through local public ownership of the parcel rather
 7 than through the permitting process of the Federal
 8 agency.

9 (b) CONVEYANCE ON CONDITION SUBSEQUENT.—
 10 Subject to valid existing rights and the condition stated
 11 in subsection (e), the Secretary of the Interior, acting
 12 through the Director of the Bureau of Land Management
 13 (referred to in this section as the “Secretary”), not later
 14 than 90 days after the date of enactment of this Act, shall
 15 convey to Eureka County, Nevada (referred to in this sec-
 16 tion as the “county”), for no consideration, all right, title,
 17 and interest of the United States in and to the parcel of
 18 land described in subsection (c).

19 (c) DESCRIPTION OF LAND.—The parcel of land re-
 20 ferred to in subsection (b) is the parcel of public land (in-
 21 cluding any improvements on the land) known as “Maid-
 22 en’s Grave Cemetery”, consisting of approximately 10
 23 acres and more particularly described as
 24 $S^{1/2}NE^{1/4}SW^{1/4}SW^{1/4}$, $N^{1/2}SE^{1/4}SW^{1/4}SW^{1/4}$ of section 10,
 25 T.31N., R.49E., Mount Diablo Meridian.

1 (d) EASEMENT.—At the time of the conveyance
 2 under subsection (b), subject to subsection (e)(2), the Sec-
 3 retary shall grant the county an easement allowing access
 4 for persons desiring to visit the cemetery and other ceme-
 5 tery purposes over an appropriate access route consistent
 6 with current access.

7 (e) CONDITION ON USE OF LAND.—

8 (1) IN GENERAL.—The county (including its
 9 successors) shall continue the use of the parcel con-
 10 veyed under subsection (b) as a cemetery.

11 (2) REVERSION.—If the Secretary, after notice
 12 to the county and an opportunity for a hearing,
 13 makes a finding that the county has used or per-
 14 mitted the use of the parcel for any purpose other
 15 than the purpose specified in paragraph (1), and the
 16 county fails to discontinue that use—

17 (A) title to the parcel shall revert to the
 18 Secretary, to be administered by the Secretary;
 19 and

20 (B) the easement granted to the county
 21 under subsection (d) shall be revoked.

22 (3) WAIVER.—The Secretary may waive the ap-
 23 plication of subparagraph (A) or (B) of paragraph
 24 (2) if the Secretary determines that a waiver would
 25 be in the best interests of the United States.

Calendar No. 23

109TH CONGRESS
1ST Session

S. 254

[Report No. 109-12]

A BILL

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

FEBRUARY 23, 2005

Reported without amendment